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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>01 December 2003</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-22</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-22</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>12-1-2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Specification

1.   The abstract of the disclosure is objected to because it recites a legal phraseology

"**comprises**" in line 4. Correction is required. See MPEP § 608.01(b).

Claim Objections

2.   Claims 1-11 are objected to because of the following informalities:

Claim 1 recites, "**a call**" in line 3 and line 10. For consistency and clarity, it is suggest

changing "**a call**" in line 10 to "**the call**".

Claim 2 recites, "**said mode of operation**" in line 2. For consistency and clarification

with "a plurality of modes of operation" recited in claim 1, line 4 and "said modes of operation"

recited in claim 1, line 5, it is suggested to change "said mode of operation" in line 2, to "said

modes of operation".

Claim 6 recites, "**TTY**" in line 2. For clarity, it is suggested to describe the acronym

when reciting for the first time in the claim.

Claims 3-5 and 7-11 are also objected since they are depended upon objected claim 1 as

set forth above.

Appropriate corrections are required.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 1,3-5,12, and 14-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Fisher (US 20040143620A1).

Regarding Claim 1, Fisher discloses a communication method for use by a first gateway (see FIG. 1, ISP gateway 106; see page 2, paragraph 19 executing the methods/steps/processes (see FIG. 2)) for communication with a second gateway (see FIG. 1, Gateway GW 114) over a packet network (see FIG. 1, IP network 112), said first gateway capable of providing a communicating path (see FIG. 1, a path between users) to a user placing a call on a communication line (see FIG. 1, client 110 placing a call over a connection link/line between gateways and user/client), said first gateway having a plurality of modes of operation including a data mode (see page 2, paragraph 22; XoIP mode/form where X is Fax or Modem (i.e. FoIP or MoIP)) and a voice mode (see page 2, paragraph 22; XoIP mode/form where X is voice (i.e. VoIP)), wherein said first gateway is configured differently for each of said modes of operation (see page 2, paragraph 22), said method comprising the steps of:

configuring said first gateway to said data mode of operation (see page 2, paragraph 22, 24; see page 3, paragraph 28; see FIG. 1, Remote Access Concentrator (RAC) 118 setting/configuring a FoIP or MoIP mode/form for an internet access modem call/session);

receiving a call from said user over said communication line (see FIG. 1, receiving the call request from the client 110 over a connection link/line between gateways 106-114 and the user/client; see FIG. 2, step 200,204; see page 2, paragraph 19-22);

enabling said first gateway to detect human voice or silence on said communication line

(see FIG. 1, see page 2-3, paragraph 24, 26-28; Access Concentrator (RAC) 118 of ISP 106

detects the voice call/request or silent/no-call/call-termination/no-voice of a FoIP/MoIP

mode/form in the connection link/line between a client and gateway; see page 3, paragraph 26-

28,33);

maintaining said first gateway configured according to said data mode of operation if said

voice and/or silence detector does not detect human voice or silence on said communication line

(see page 2-3, paragraph 24, 26-28,33; note that when a client does not request/make a new VoIP

call, RAC of ISP detects no voice/silent/call-termination in the connection between a client and

gateway, and thus there is no need to hold/interrupt existing FoIP/MoIP form/mode (i.e.

maintaining at a data mode)), and

reconfiguring said first gateway to said voice mode if said voice and/or silence detector

detects human voice or silence on said communication line (see page 2-3, paragraph 24, 26-28;

note that when a client request/make a new VoIP call, RAC of ISP detects voice in the

connection and performs a modem on hold (MoHip) procedure by switching to VoIP mode/form

(i.e. reconfiguration to voice mode)).

Regarding Claim 3, Fisher discloses maintaining if said voice and/or silence detector

does not detect human voice or silence on said communication line for a predetermined period of

time (see page 2-3, paragraph 24, 26-28,33; note that when a client does not request/make a new

VoIP call or the user does not wish to receive a call, RAC of ISP detects no voice/silent/call-

termination in the connection between a client and gateway, and thus there is no need to

hold/interrupt existing FoIP/MoIP form/mode (i.e. maintaining at a data mode). The FoIP/MoIP

mode/form will be maintained for a predetermined period (i.e. FoIP/MoIP call duration) until a

call in FoIP/MoIP mode/form terminates.)

Regarding Claims 4, Fisher discloses wherein said data mode is a modem mode and said

user is a modem device (see FIG. 1, modem 122 with modem over IP (MoIP) mode/form; see

page 2, paragraph 21-22).

Regarding Claim 5, Fisher discloses wherein said data mode is a modem mode and said

user is a fax device (see FIG. 1, modem 122 with fax over IP (FoIP) mode/form; see page 2,

paragraph 21-22).

Regarding Claim 12, Fisher discloses a first gateway (see FIG. 1, ISP gateway 106; see

page 2, paragraph 19) for communication with a second gateway (see FIG. 1, Gateway GW 114)

over a packet network (see FIG. 1, IP network 112), said first gateway capable of providing a

communicating path (see FIG. 1, a path between users) to a user placing a call on a

communication line (see FIG. 1, client 110 placing a call over a connection between gateway and

user), said first gateway having a plurality of modes of operation including a data mode (see

page 2, paragraph 22; XoIP mode/form where X is Fax or Modem (i.e. FoIP or MoIP)) and a

voice mode (see page 2, paragraph 22; XoIP mode/form where X is voice (i.e. VoIP)), wherein

said first gateway is configured differently for each of said modes of operation (see page 2,

paragraph 22), said first gateway comprising:

a configuration module (see FIG. 1, Remote Access Concentrator (RAC) 118)

configuring said first gateway to said data mode of operation (see page 2, paragraph 22, 24; see

page 3, paragraph 28; setting/configuring a FoIP or MoIP mode/form for an internet access

modem call/session);

a voice and/or silence detector (see FIG. 1, Remote Access Concentrator (RAC) 118 of

ISP 106 detects a new call, no call, or call termination; see page 3, paragraph 26-28) enabled to

detect human voice or silence on said communication line when said user places call on said

communication line to said first gateway (see page 2-3, paragraph 24, 26-28; when a client

request/make a new VoIP call, RAC of ISP detects the voice in the connection between a client

and gateway; see page 3, paragraph 33; when a client request/make a new call, RAC of ISP

detects voice or silent/no-call/call-termination/no-voice of a FoIP/MoIP mode/form);

wherein said configuration module maintains said first gateway configured according to

said data mode of operation if said voice and/or silence detector does not detect human voice or

silence on said communication line (see page 2-3, paragraph 24, 26-28,33; note that when a

client does not request/make a new VoIP call, RAC of ISP detects no voice/silent/call-

termination in the connection between a client and gateway, and thus there is no need to

hold/interrupt existing FoIP/MoIP form/mode (i.e. maintaining at a data mode)), and said

configuration module reconfigures said first gateway to said voice mode if said voice and/or

silence detector detects human voice or silence on said communication line (see page 2-3,

paragraph 24, 26-28; note that when a client request/make a new VoIP call, RAC of ISP detects

voice in the connection and performs a modem on hold (MoHip) procedure by switching to VoIP

mode/form (i.e. reconfiguration to voice mode)).

Regarding Claim 14, Fisher discloses said configuration module maintains said data

mode configuration if said voice and/or silence detector does not detect human voice or silence

on said communication line for a predetermined period of time (see page 2-3, paragraph 24, 26-

28,33; note that when a client does not request/make a new VoIP call or the user does not wish to

receive a call, RAC of ISP detects no voice/silent/call-termination in the connection between a

client and gateway, and thus there is no need to hold/interrupt existing FoIP/MoIP form/mode

(i.e. maintaining at a data mode). The FoIP/MoIP mode/form will be maintained for a

predetermined period (i.e. FoIP/MoIP call duration) until a call in FoIP/MoIP mode/form

terminates.)

Regarding Claim 15, Fisher discloses wherein said data mode is a modem mode and

said user is a modem device (see FIG. 1, modem 122 with modem over IP (MoIP) mode/form;

see page 2, paragraph 21-22).

Regarding Claim 16, Fisher discloses wherein said data mode is a modem mode and

said user is a fax device (see FIG. 1, modem 122 with fax over IP (FoIP) mode/form; see page 2,

paragraph 21-22)

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

6.   Claims 2, 11, 13 and 22 rejected under 35 U.S.C. 103(a) as being unpatentable over

Fisher in view of Baumann (US 20030118008A1).

Regarding Claim 2, Fisher discloses informing over said packet network of said mode of

operation of said first gateway after said configuration module maintains said data mode

configuration or reconfigures to said voice mode (see page 3, paragraph 27-28; ISP 106 transmits

ANSam signal to switch/reconfigured to VoIP mode/form).

Fisher does not explicitly disclose informing said second gateway.

However, Baumann teaches said first gateway (see FIG. 1, a combined system of Media

gateway B 4 and controller B 11) informs said second gateway (see FIG. 1, informs/notifies with

a combined system of Media gateway A 3 and controller A 10) over said packet network (see

FIG. through IP network 5) of said mode of operation of said first gateway after said

configuration module (see FIG. 1, controller B 11) reconfigures to said voice mode (see page 3,

paragraph 52-55; a combined system of gateways A sends notification to a combined system of

gateways B regarding the mode/form of operation (i.e. voice) after the gateway A terminate the

fax transmission and switches to voice transmission).

Therefore, it would have been obvious to one having ordinary skill in the art at the time

the invention was made to provide information the second media gateway, as taught by Baumann

in the system of Fisher, so that it would allow changing between voice transmission and a fax

transmission; see Baumann page 1-2, paragraph 8, 26.

Regarding Claim 11, Fisher discloses said first gateway informs over said packet

network of said mode of operation of said first gateway if said first gateway detects human or

silence on said communication (see page 3, paragraph 27-28; ISP 106 transmits ANSam signal to

switch/reconfigured to VoIP mode/form when ISP detects VoIP call request).

Fisher does not explicitly disclose said first gateway informs said second gateway.

However, Baumann teaches said first gateway (see FIG. 1, a combined system of Media

gateway B 4 and controller B 11) informs said second gateway (see FIG. 1,

communicates/notifies a combined system of Media gateway A 3 and controller A 10) over said

packet network (see FIG. 1, through IP network 5) of said mode of operation of said first

gateway if said first gateway detects human voice or silence on said communication (see page 3,

paragraph 52-55; a combined system of gateways A sends notification to a combined system of

gateways B regarding the mode/form of operation (i.e. voice) when the gateway A terminate the

fax transmission (i.e. silent) or switches to voice transmission detecting of voice).

Therefore, it would have been obvious to one having ordinary skill in the art at the time

the invention was made to provide a first media gateway information the second media gateway,

as taught by Baumann in the system of Fisher, so that it would allow changing between voice

transmission and a fax transmission; see Baumann page 1-2, paragraph 8, 26.

Regarding Claim 13, Fisher discloses said first gateway informs over said packet

network of said mode of operation of said first gateway after said configuration module

maintains said data mode configuration or reconfigures to said voice mode (see page 3,

paragraph 27-28; ISP 106 transmits ANSam signal to switch/reconfigured to VoIP mode/form).

Fisher does not explicitly disclose said first gateway informs said second gateway.

However, Baumann teaches said first gateway (see FIG. 1, a combined system of Media

gateway B 4 and controller B 11) informs said second gateway (see FIG. 1, informs/notifies with

a combined system of Media gateway A 3 and controller A 10) over said packet network (see

FIG. through IP network 5) of said mode of operation of said first gateway after said

configuration module (see FIG. 1, controller B 11) reconfigures to said voice mode (see page 3,

paragraph 52-55; a combined system of gateways A sends notification to a combined system of

gateways B regarding the mode/form of operation (i.e. voice) after the gateway A terminate the
fax transmission and switches to voice transmission).

Therefore, it would have been obvious to one having ordinary skill in the art at the time
the invention was made to provide a first media gateway information the second media gateway,
as taught by Baumann in the system of Fisher, so that it would allow changing between voice
transmission and a fax transmission; see Baumann page 1-2, paragraph 8, 26.

Regarding Claim 22, Fisher discloses said first gateway informs over said packet
network of said mode of operation of said first gateway if said first gateway detects human or
silence on said communication (see page 3, paragraph 27-28; ISP 106 transmits ANSam signal to
switch/reconfigured to VoIP mode/form when ISP detects VoIP call request).

Fisher does not explicitly disclose said first gateway informs said second gateway.

However, Baumann teaches said first gateway (see FIG. 1, a combined system of Media
gateway B 4 and controller B 11) informs said second gateway (see FIG. 1,
communicates/notifies a combined system of Media gateway A 3 and controller A 10) over said
packet network (see FIG. 1, through IP network 5) of said mode of operation of said first
gateway if said first gateway detects human voice or silence on said communication (see page 3,
paragraph 52-55; a combined system of gateways A sends notification to a combined system of
gateways B regarding the mode/form of operation (i.e. voice) when the gateway A terminate the
fax transmission (i.e. silent) or switches to voice transmission detecting of voice).

Therefore, it would have been obvious to one having ordinary skill in the art at the time
the invention was made to provide a first media gateway information the second media gateway,

as taught by Baumann in the system of Fisher, so that it would allow changing between voice transmission and a fax transmission; see Baumann page 1-2, paragraph 8, 26.

7.   Claim 6 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher in view of Hansen (US005940475A).

Regarding Claim 6, Fisher discloses wherein said data mode is a modem mode (see FIG. 1, modem 122 with modem mode/form; see page 2, paragraph 21-22).

Fisher does not explicitly disclose said user is a TTY modem.

However, having TTY (teletypewriter (TTY) which also known as TDD (Device for Deaf) for deaf, hearing impaired, and/or speech impaired individual's communication is well known in the art. In particular, Hansen teaches said user is a TTY modem (see col. 2, line 5-29; see col. 3, line 51 to col. 4, line 5; TDD or TTY modem).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a TTY or TDD modem, as taught by Hansen in the system of Fisher, so that it would provide enhance communication systems and process used by the deaf, hearing impaired, and/or speech impaired community; see Hansen col. 2, line 59-66.

Regarding Claim 17, Fisher discloses wherein said data mode is a modem mode (see FIG. 1, modem 122 with modem mode/form; see page 2, paragraph 21-22).

Fisher does not explicitly disclose said user is a TTY modem.

However, having TTY (teletypewriter (TTY) which also known as TDD (Device for Deaf) for deaf, hearing impaired, and/or speech impaired individual's communication is well known in the art. In particular, Hansen teaches said user is a TTY modem (see col. 2, line 5-29; see col. 3, line 51 to col. 4, line 5; TDD or TTY modem).

Therefore, it would have been obvious to one having ordinary skill in the art at the time

the invention was made to provide a TTY or TDD modem, as taught by Hansen in the system of

Fisher, so that it would provide enhance communication systems and process used by the deaf,

hearing impaired, and/or speech impaired community; see Hansen col. 2, line 59-66.

8.   Claim 7 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher in

view of Wildfeuer (US006829244B1).

Regarding Claim 7, Fisher discloses wherein said first gateway uses said data mode and

said voice mode as set forth above in claim 1.

Fisher does not explicitly disclose a voice coder with higher bandwidth.

However, Wildfeuer teaches wherein in said data mode (see col. 5, line 42-45; modem

mode) said first gateway (see FIG. 1, packet network gateway 106) uses a voice coder (see FIG.

1, PCM controller 112) with higher bandwidth than in said voice mode (see col. 5, line 10-22,

30-46; in modem mode, voice coder G.711 protocol, which provide pass-through or bypass mode

with higher transmission bandwidth than in other voice coding protocol (e.g. G.729, G.723.1,

etc)).

Therefore, it would have been obvious to one having ordinary skill in the art at the time

the invention was made to provide a voice coder with higher bandwidth, as taught by Wildfeuer

in the system of Fisher, so that it would provide a modem pass-through to forward a stream of

data with high speed/bandwidth G.711 coding protocol; see Wildfeuer col. 3, line 42-46; and by

utilizing standard G.711 protocol, it would also provide compatibility and interoperability among

networking gateways.

Regarding Claim 18, Fisher discloses wherein said first gateway uses said data mode and said voice mode as set forth above in claim 12.

Fisher does not explicitly disclose a voice coder with higher bandwidth.

However, Wildfeuer teaches wherein in said data mode (see col. 5, line 42-45; modem mode) said first gateway (see FIG. 1, packet network gateway 106) uses a voice coder (see FIG. 1, PCM controller 112) with higher bandwidth than in said voice mode (see col. 5, line 10-22, 30-46; in modem mode, voice coder G.711 protocol, which provide pass-through or bypass mode with higher transmission bandwidth than in other voice coding protocol (e.g. G.729, G.723.1, etc)).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a voice coder with higher bandwidth, as taught by Wildfeuer in the system of Fisher, so that it would provide a modem pass-through to forward a stream of data with high speed/bandwidth G.711 coding protocol; see Wildfeuer col. 3, line 42-46; and by utilizing standard G.711 protocol, it would also provide compatibility and interoperability among networking gateways.

9.   Claim 8 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher in view of Wildfeuer as set forth above in claim 7 and 19, and further in view of Schuster (US006785261B1).

Regarding Claim 8, the combined system of Fisher and Wildfeuer discloses wherein in said data mode said first gateway uses a G.711 voice coder and said voice mode as set forth above in claims 1 and 7.

Neither Fisher nor Wildfeuer explicitly disclose in voice mode uses G.723.1 voice coder.

However, using G.723.1 voice coder according to ITU standard is well known in the art

for compatibility and interoperability. In particular, Schuster discloses in voice mode uses

G.723.1 voice coder (see col. 10, line 55-65; see col. 11, line 50 to col. 12, line 30; G.723.1 voice

coding).

Therefore, it would have been obvious to one having ordinary skill in the art at the time

the invention was made to provide G.723.1 voice coder, as taught by Schuster, in the combined

system of Fisher and Wildfeuer, so that it would provide efficient vocoding; see Schuster col. 11,

line 50-60.

Regarding Claim 19, the combined system of Fisher and Wildfeuer discloses wherein in

said data mode said first gateway uses a G.711 voice coder and said voice mode as set forth

above in claims 12 and 18.

Neither Fisher nor Wildfeuer explicitly disclose in voice mode uses G.723.1 voice coder.

However, using G.723.1 voice coder according to ITU standard is well known in the art

for compatibility and interoperability. In particular, Schuster discloses in voice mode uses

G.723.1 voice coder (see col. 10, line 55-65; see col. 11, line 50 to col. 12, line 30; G.723.1 voice

coding).

Therefore, it would have been obvious to one having ordinary skill in the art at the time

the invention was made to provide G.723.1 voice coder, as taught by Schuster, in the combined

system of Fisher and Wildfeuer, so that it would provide efficient vocoding; see Schuster col. 11,

line 50-60.

10.   Claim 9, 10, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Fisher in view of Goldstein (US 20030185222A1).

Regarding Claim 9, Fisher discloses wherein said first gateway operating in voice mode

than in said data mode as set forth above in claim 1.

Fisher does not explicitly disclose wherein a jitter buffer is larger in said voice mode than

in said data mode.

However, Goldstein teaches wherein said first gateway (see FIG. 1, Media gateway 3)

has a jitter buffer (see FIG. 2, jitter buffer 12), and wherein said jitter buffer is larger in said

voice mode than in said data mode (see page 1-2, paragraph 3,19-22; jitter buffer size is

dynamically set such that it is large enough to keep the delay as short as possible for voice

service, than fax or modem service).

Therefore, it would have been obvious to one having ordinary skill in the art at the time

the invention was made to provide a jitter buffer is larger in said voice mode than in said data

mode, as taught by Goldstein in the system of Fisher, so that it would set a jitter buffer size by

the control in real time without causing an interference; see Goldstein page 1, paragraph 6-7.

Regarding Claim 10, Fisher discloses wherein said first gateway operating in voice

mode than in said data mode as set forth above in claim 1.

Fisher does not explicitly disclose wherein a jitter buffer is frozen in said data mode and

is dynamic in said voice mode. However, Goldstein discloses wherein said first gateway (see

FIG. 1, Media gateway 3) has a jitter buffer (see FIG. 2, jitter buffer 12), and wherein said jitter

buffer is frozen in said data mode and is dynamic in said voice mode (see page 1-2, paragraph

3,19-22; jitter buffer size is set to static size for fax or modem service, and the buffer size is set

to dynamic size for voice service). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a jitter buffer is frozen in said data mode and is dynamic in said voice mode, as taught by Goldstein in the system of Fisher, so that it would set the jitter buffer to various size by the control in real time without causing an interference; see Goldstein page 1, paragraph 6-7.

Regarding Claim 20, Fisher discloses wherein said first gateway operating in voice mode than in said data mode as set forth above in claim 12.

Fisher does not explicitly disclose wherein a jitter buffer is larger in said voice mode than in said data mode.

However, Goldstein teaches wherein said first gateway (see FIG. 1, Media gateway 3) has a jitter buffer (see FIG. 2, jitter buffer 12), and wherein said jitter buffer is larger in said voice mode than in said data mode (see page 1-2, paragraph 3,19-22; jitter buffer size is dynamically set such that it is large enough to keep the delay as short as possible for voice service, than fax or modem service). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a jitter buffer is larger in said voice mode than in said data mode, as taught by Goldstein in the system of Fisher, so that it would set a jitter buffer size by the control in real time without causing an interference; see Goldstein page 1, paragraph 6-7.

Regarding Claim 21, Fisher discloses wherein said first gateway operating in voice mode than in said data mode as set forth above in claim 12.

Fisher does not explicitly disclose wherein a jitter buffer is frozen in said data mode and is dynamic in said voice mode.

However, Goldstein discloses wherein said first gateway (see FIG. 1, Media gateway 3) has a jitter buffer (see FIG. 2, jitter buffer 12), and wherein said jitter buffer is frozen in said data mode and is dynamic in said voice mode (see page 1-2, paragraph 3,19-22; jitter buffer size is set to static size for fax or modem service, and the buffer size is set to dynamic size for voice service).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a jitter buffer is frozen in said data mode and is dynamic in said voice mode, as taught by Goldstein in the system of Fisher, so that it would set the jitter buffer to various size by the control in real time without causing an interference; see Goldstein page 1, paragraph 6-7.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
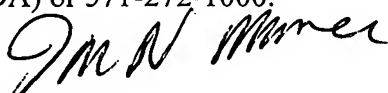
- **Fruth (US 20030123097A1)** discloses a gateway system for discriminating voice, data and facsimile calls communicated through a voice-over-packet network.

- **Abrishhami (US006463135B2)** discloses a gateway system for transmission voice, fax, or data over multi-channels over packet network.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ian N. Moore whose telephone number is 571-272-3085. The examiner can normally be reached on 9:00 AM- 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 571-272-7629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Ian N. Moore
Examiner
Art Unit 2616